

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-176391-001 DT

07/23/2009

HONORABLE EMMET RONAN

CLERK OF THE COURT

M. Postert

Deputy

STATE OF ARIZONA

JOHN EUGENE KELLY

v.

JOHN WESLEY JOHNSON (001)

DOB: 8/06/1978

EUGENE A BARNES IV

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DOC

AZ DOC - COMMUNITY SERVICE

AZ DOC - INMATE TRUST ACCOUNTS

DISPOSITION CLERK-CSC

RFR

VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

10:57 a.m.

State's Attorney: Angela Andrews for John Kelly

Defendant's Attorney: Eugene Barnes

Defendant: Present

Court Reporter: Helene Paustian

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: COUNT 1: BURGLARY IN THE SECOND DEGREE WITH ONE PRIOR
FELONY CONVICTION

Class 3 FELONY

A.R.S. § 13-1507, 13-1501, 13-701, 13-702, 13-702.01 and 13-801

Date of Offense: November 12, 2008

Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment
and is committed to the Arizona Department of Corrections as follows:

Count 1: 6 year(s) from July 23, 2009

Presentence Incarceration Credit: 217 day(s)

Slightly Mitigated

Sentence is concurrent with CR2008-009412-001.

Pursuant to A.R.S. § 13-604, the Court finds that the Defendant has been convicted of the
following prior felony offenses:

THEFT, a class 2 NON-DANGEROUS felony committed on 4/04/2001 and convicted on
8/09/2001 in CR2001-005398-001 in Maricopa County Superior Court.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 1 - \$288.99 to the following victim(s) in the following amounts:

Jerry Thomas (Individual) \$288.99

No restitution ledger provided.

Restitution shall be paid monthly in an amount to be determined by the Arizona
Department of Corrections in compliance with ARS 31-230.

The Arizona Department of Corrections/Community Service shall notify the Clerk of the
Court of Maricopa County of Defendant's release from custody via e-mail
cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish
financial information for a Criminal Restitution Order for Judicial signature for any unpaid
monies to date.

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

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LET THE RECORD REFLECT that the Court recommends that the Defendant be placed in a minimum security facility.

IT IS ORDERED granting the Motion To Dismiss the following: Allegation of more than one prior felony conviction.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

11:03 a.m. Matter concludes.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE EMMET RONAN
JUDGE OF THE SUPERIOR COURT

(thumbprint)